

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION

George Logue	1	
	1	
Plaintiff	1	CASE NO <u>04-10272 - GAO</u>
	1	PLAINTIFF'S AFFIDAVIT 1
	1	
v.	1	
	1	
Taunton State Hospital, et al.	1	
	1	
Defendants	1	
	1	

1. I am currently a resident of the state of Massachusetts, Middlesex County. I have personal knowledge of the matters set forth in this affidavit, and if called to testify with respect thereto, could and would do so competently under oath.
2. On February 2, 2004 plaintiff submitted a letter to the Department of Mental Health pursuant to the General Laws of Massachusetts c. 258 § 4 stating his claim. As stated in paragraph 6, First and Third Causes of the complaint, "notice of this impending claim was presented to the immediate governing body of each department involved." After making inquiries to the Department and its hierarchy, plaintiff had made service where he believed to be the proper department and personnel.
3. On or about February 2, 2004 plaintiff received a response from Acting General counsel Marianne H. Greeno indicating the letter had not been presented in the proper manner, and went onto identify where a claim should be sent. This response letter is appended as "B." After plaintiff served the complaint, the defendants, represented by the Office of the Attorney General, filed an answer. On September 29, 2004, plaintiff's amended complaint was filed and served on defense counsel. Then on May 12, 2005, Ms. Sarah M. Joss, Assistant Attorney General submitted a letter initiating a conference pursuant to Local Rule 7.1(a)(2). This letter is appended as "C." Each of the parties traded telephone calls without success of even speaking.
4. On June 1, 2005 plaintiff contacted Ms. Joss to inquire as to why she had filed a Motion To Dismiss without having made contact to comply with Local Rule 7.1(a)(2), and where plaintiff was willing to confer in order to attempt a resolution. She responded, that after two attempted calls, the schedule necessitated action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

June 7, 2005

